

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

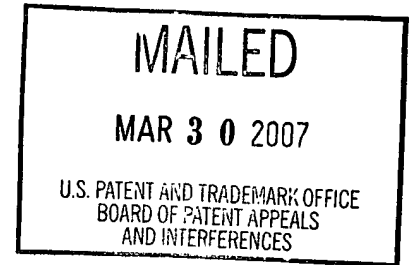
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*Ex parte* PAUL TURGEON

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Application No. 10/086,793

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on January 9, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

On March 27, 2006, Appellant filed an Appeal Brief. On page 2, section (2) under the heading "Related Appeals and Interferences," counsel for Appellant states "[t]his application is a continuation-in-part of U.S. Pat. Appl. No. 09/394,143, which was considered by the Board as part of prior Appeal No. 2005-2484." Moreover, on page 24 of Appellant's Brief, under the heading of "Related Proceedings Appendix," counsel for Appellant states "[a] copy of the Board Decision in Appeal No. 2005-2484 on U.S. Pat. Appl. No. 09/394,143 is attached." However, a review of the electronic record reveals that Appellant has not attached a copy of said Board decision.

Application No. 10/086,793

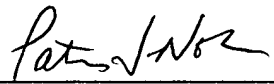
Furthermore, in the Examiner's Answer, under "Related Appeals and Interferences", the Examiner did not acknowledge the related appeals as noted by Appellant in their Brief.

Accordingly, it is

ORDERED that the application is returned to the Examiner to

- 1) notify Appellant to submit a copy of the Board decision for Appeal No. 2005-2484, Application No. 09/394,143,
- 2) to correct the Examiner's answer, heading "Related Appeals and Interferences" by mailing a PTOL-90 to Appellant, and;
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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